

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 468 OF 2007

Pramod Devidas Deoghare & Ors. vs. State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
NOVEMBER 01, 2007.

Heard Shri Kilor, learned counsel for the appellants – original plaintiffs. Though he has tried to argue that the document at Exh. 54 does not bare signature of predecessor in title Shri Wasudeo and therefore could not have been used against the appellants. I find that there is no such challenge raised in Second Appeal. Not only this, the other adjacent owners whose right of way shall stand affected if the suit is decreed, are also not joined as party defendants before the trial Court. Similarly, the revenue proceedings attained finality on 28.10.1992 and if Civil Suit was to be filed questioning the right as recognized by revenue authorities, the same ought to have been filed within one year as contemplated by Section 20(2) of the

Maharashtra Land Revenue Code. However, same has been filed after 21 year after the first adjudication by the revenue authorities.

In the circumstances, I find that no case is made out warranting any interference in Second Appeal. No substantial question of law arises. Second Appeal is accordingly dismissed. No order as to costs.

JUDGE

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